

REMARKS

Reconsideration of the application as amended is respectfully requested.

The indication of allowable subject matter in claims 28 and 33 is noted and appreciated. These claims have been amended to be in independent form. Allowance of claims 28 and 33 is respectfully requested.

Applicants traverse the rejection of claims 24-27, 29-32 and 34-38. These claims include independent claims 24, 29 and 35. Claims 29 and 35 have been rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Pat. No. 6,136,194 to Vogel et al. Claim 24 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Vogel et al.

Vogel et al. discloses a cover 36A that has flotation insulation members 51 encased in a *geomembrane* casing 52. (See Vogel et al. column 4, lines 47-51, and column 5, lines 4-7.) This is in contrast to the *geotextile* material layer claimed in claims 24, 29 and 35.

A geomembrane material is impervious to fluids. Such a material is used where a fluid-impervious material is required. By way of example applicants submit a two page document taken from the website of the Geosynthetic Research Institute which is sponsored by Drexel University, Philadelphia, Pennsylvania. This document entitled Geosynthetic Materials, found at [www.drexel.edu/gri/gmat.html](http://www.drexel.edu/gri/gmat.html) describes geomembrane materials as being impervious thin sheets of rubber or plastic material used primarily for linings and covers of liquid or solids storage facilities.

Because the geomembrane casing is fluid impervious, Vogel et al. notes that gas escaping from the lagoon must travel upward between edges of adjacent modules (column 5, lines 7-11).

In contrast a geotextile material is porous. The same reference noted above states that geotextile materials consist of a synthetic fiber made into a flexible, porous fabric. The fact of a porosity of a geotextile material is noted in the specification of this application at page 6, lines 6-9; page 9, lines 12-13; and page 10, lines 7-8. To emphasize this characteristic of porosity, independent claims 24, 29 and 35 have been amended to recite that the cover layers are made of a porous material. This amendment finds support in the specification at the pages and lines noted above.

The advantages of a porous material to the present invention are recited in the specification of the present application. For example at page 9 it is pointed out that the porosity allows regulated release of malodorous gasses, and that the material forms a barrier to the mass transfer of gas. Accordingly allowance of independent claims 24, 29 and 35 is requested along with allowance of claims dependent thereon.

Applicant wishes to call to the examiner's attention that U.S. patent publication 2002/013942 published 10/03/2002 and identified as reference "U" by applicant in form 1449A/PTO has now matured into U.S. Pat. No. 6,558,548 to Svirklys et al.

Respectfully submitted,

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